

SUMMARY ANALYSIS OF AMENDED BILL

Franchise Tax Board

Author: Bowen Analyst: Jeani Brent Bill Number: SB 1822

Related Bills: See Prior Analysis Telephone: 845-3410 Amended Date: 04-25-2000

Attorney: Patrick Kusiak Sponsor:

SUBJECT: Employee Records/Prohibits Employers from Secretly Monitoring Employees
E-Mail or Other Computer Records

DEPARTMENT AMENDMENTS ACCEPTED. Amendments reflect suggestions of previous analysis of bill as introduced/amended _____.

AMENDMENTS IMPACT REVENUE. A new revenue estimate is provided.

AMENDMENTS DID NOT RESOLVE THE DEPARTMENT'S CONCERNS stated in the previous analysis of bill as introduced/amended _____.

FURTHER AMENDMENTS NECESSARY.

DEPARTMENT POSITION CHANGED TO _____.

☒ REMAINDER OF PREVIOUS ANALYSIS OF BILL AS AMENDED 03-27-2000 STILL APPLIES.

☒ OTHER - See comments below.

SUMMARY OF BILL

This bill would prohibit an employer from secretly monitoring the electronic mail or other computer records generated by an employee.

This bill would require that an employer that intends to inspect, review, or retain any electronic mail or any other computer records notify its employees of its electronic monitoring policies and practices. Also, it would require employees to sign a statement or electronically acknowledge that the employee has received, read, and understood the employer's electronic monitoring policies and practices.

SUMMARY OF AMENDMENT

The April 25, 2000, amendments added a provision that an employer shall be deemed to be in compliance with the notification requirement if the employer electronically posts the notice on the employee's computer screen and receives electronic verification that the employee has received, read, and understood the notice.

The amendments also defined "employee" to include an individual employed by the state or any organizational subdivision, any county, city, city and county, any school district, community college district, the University of California, any political subdivision, or public corporation of the state.

The department's analysis of the bill as amended March 27, 2000, had indicated under Specific Findings that a certain portion of this bill would not apply to state employees. This statement would be negated by the new definition of "employee."

Board Position:

<input type="checkbox"/> S	<input type="checkbox"/> NA	<input type="checkbox"/> NP
<input type="checkbox"/> SA	<input type="checkbox"/> O	<input type="checkbox"/> NAR
<input type="checkbox"/> N	<input type="checkbox"/> OUA	<input checked="" type="checkbox"/> PENDING

Legislative Director

Date

Johnnie Lou Rosas

5/22/00

Except for the items discussed in this analysis, the remainder of the department's analysis of the bill as amended March 27, 2000, still applies.

BOARD POSITION

Pending.